

SENATE BILL 1997

By Fowler

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 3 and Title 70, relative to the Tennessee Off-Highway Motor Vehicle Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 9, Part 1, is amended by adding a new section thereto, as follows:

Section 70-9-108.

(a) The owner of any off-highway motor vehicle shall annually register the vehicle with the director, in the manner prescribed by the director. Registration information shall include, but is not limited to, the name and address of the owner, the type of vehicle, the license number, if any, the vehicle identification number, proof of registration pursuant to title 55, if applicable, and that all applicable sales taxes and fees have been paid.

(b) Each person, upon filing for registration or renewal, shall pay a registration fee of forty-five dollars (\$45.00) to the director, except that the fee shall be ten dollars (\$10.00) for persons possessing a valid combination hunting and fishing license, hunting license, or sportsman license. The registration fee may be increased no more frequently than once every twelve (12) months by the commission as provided for in this chapter and shall not exceed the increase in the consumer price index (or successor index) since the last increase was imposed.

(c) Upon the sale or transfer of an off-highway motor vehicle, the dealer may register the vehicle with the director on behalf of and in the name of the vehicle owner, in the manner prescribed by the director. The dealer may also collect and pay the registration fee to the director on behalf of and in the name of the vehicle owner.

(d) Registration information shall include the name and address of the owner, the type of vehicle, the license number, if any, and the vehicle identification number.

(e) Registration shall not be required while an OHV is in use by landowners or lessors, their spouses, or dependent children on land where such landowner or lessor resides upon or manages.

SECTION 2. Tennessee Code Annotated, Section 70-9-103, is amended by adding a new item thereto, as follows:

() "Dealer" means a person licensed to engage in the business of selling, offering to sell, soliciting or advertising the sale of motor vehicles, or possessing motor vehicles for the purpose of resale either on that person's own account or on behalf of another, either as that person's primary business or incidental thereto, pursuant to title 55;

SECTION 3. Tennessee Code Annotated, Section 70-9-104, is amended by adding the following new subdivisions thereto:

() Establish a registration program by February 28, 2006;

() Develop a voluntary off-highway motor vehicle education program designed specifically to educate dealers and owners on Tennessee's applicable tax provisions and the requirements and penalties associated with the failure to pay such taxes;

SECTION 4. This act shall take effect January 1, 2006, the public welfare requiring it.

